

919 THIRD AVENUE NEW YORK NEW YORK 10022-3908

JENNER &amp; BLOCK LLP

Via ECF and Hand Delivery

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 24 2015 ★

**BROOKLYN OFFICE**

Peter B. Pope  
Tel (212) 891 1605  
Fax (212) 909 0844  
ppope@jenner.com

Honorable Jack B. Weinstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Courtroom 10B – South  
Brooklyn, New York 11201

Honorable Cheryl L. Pollak  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Courtroom 13B – South  
Brooklyn, New York 11201

*The Special Masters  
final report is received  
with congratulations to the Special  
Master for a job well done. Close the  
case. So ordered.  
Jack B. Weinstein  
6/24/15*

Re: *City of New York v. A-1 Jewelry & Pawn, Inc. et al.*, No. 06-cv-2233(JBW)(CLP)

Dear Judges Weinstein and Pollak:

After almost nine years of monitoring what came to be eighteen firearms dealers, the duties of the Special Master have concluded. The Special Master respectfully extends gratitude to the Court for the opportunity to have served in this capacity.

The City of New York sued federally licensed firearms dealers whose guns it had linked to crimes committed in the City. Pursuant to settlements and judgments in these cases, the Special Master was appointed principally to ensure that these dealers detected and denied “straw purchases” – that is, when one person unlawfully buys a firearm for someone else.<sup>1</sup>

Seven years after the lawsuits were filed, a 2013 study by Johns Hopkins University researchers concluded that the New York City Police Department was recovering far fewer crime guns originating from the monitored dealers. The researchers wrote that “[t]he odds of a NYPD recovery was 84.2% lower during the post-lawsuit sales period than the pre-lawsuit sales period.”<sup>2</sup>

<sup>1</sup> In a straw purchase, the true purchaser of the firearm may be prohibited from purchasing the firearm himself or herself (e.g., a convicted felon). See generally *Abramski v. United States*, 134 S. Ct. 2259 (2014).

<sup>2</sup> Daniel W. Webster & Jon S. Vernick, Spurring Responsible Firearms Sales Practices through Litigation: The Impact of New York City’s Lawsuits against Gun Dealers on Interstate Gun Trafficking, in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* 123, 128 (2013).

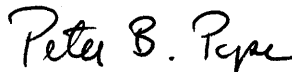
Letter to Hon. Jack B. Weinstein & Hon. Cheryl L. Pollak  
June 19, 2015  
Page 2

In the intervening years, the Special Master was carrying out its court-ordered mandate using simple, replicable tools, including:

- **Training and recommendations.** With the assistance of a retired ATF agent, the Special Master taught sales people at each dealer how to spot warning signs of a straw purchase and recommended maintaining additional records to help them identify a straw purchase. There were a total of 22 training sessions.
- **Simulated straw purchases.** Undercover investigators made 36 unannounced simulated straw purchases to see whether the training had taken hold. Some dealers initially failed these tests, but, after feedback, began regularly passing.<sup>3</sup>
- **Inventory and record inspections.** The Special Master inspected sales records, inventory, and other records to check whether the stores were maintaining lists of sales previously refused and of purchasers whose gun purchases had been traced to suspected criminal activity. The inspections also counted the number of so-called "Saturday Night Specials."<sup>4</sup> There were a total of 82 on-site inspections.

Several dealers stated that they would voluntarily continue to use the sales practices the Special Master recommended during the monitorship.<sup>5</sup> The Special Master's activities have been detailed in reports provided to the Court over the years. With thanks, we request that the Court consider this the Special Master's final submission.

Sincerely,



Peter B. Pope

---

<sup>3</sup> Simulated straw purchases were not undertaken for dealers in Virginia and Georgia because of statutes in those states. See Ga. Code Ann. § 11-16-111 (2014); Va. Code Ann. § 18.2-308.2:2(L1) (2013).

<sup>4</sup> Saturday Night Specials are inexpensive, easily-concealable, and low-quality handguns. Between 1995 and 2000, at least five of the top ten guns recovered in connection with crimes every year were Saturday Night Specials. Elizabeth S. Haile, Brady Ctr. to Prevent Gun Violence, *Without a Trace: How the Gun Lobby and Government Suppress the Truth About Guns and Crime* 16 (2006). The Special Master's inspections showed that the number of Saturday Night Specials that dealers sold over the period of the monitorship dropped.

<sup>5</sup> Six of the eighteen monitored dealers closed or forfeited their federal firearms license.